

DIVISION 6. CHARGES AND FEES

Sec. 21-178. User classifications, administration.

For the purpose of imposing the charges and fees authorized in this division, the council of the city, by resolution, shall establish user classifications based upon standard limitations upon wastewater characteristics, constituents, and volumes uniformly applicable to users within each such classification, and shall establish terms and conditions for payment and collection of such charges and fees.

(Code 1961, § 22A.31; Ord. No. 566, § 1, 11-10-75)

Sec. 21-179. Charges.

The council of the city shall, by resolution, establish a schedule of charges to be imposed and levied upon all premises, based upon user classifications, for the use of the sewerage facilities and services furnished to said premises, in such amount as will provide for each user to pay his proportionate share of the costs of operation and maintenance (including replacement) of the sewerage facilities. Additionally, such charges shall provide for the payment to the city by industrial users of the sewerage facilities of that portion, if any, of the treatment works of authority which is allocable to the treatment of such industrial user's wastes. The charges herein authorized shall be in such amounts and payable upon such terms and conditions as equitably provide for the recovery of the aforesaid costs, and in accordance with the requirements of law.

(Code 1961, § 22A.32; Ord. No. 566, § 1, 11-10-75)

Sec. 21-180. Fees.

The council of the city shall, by resolution, establish a schedule of fees to be imposed upon and collected from applicants or users to defray the costs of processing and issuing the following permits performing the following services:

- (1) Stormwater or groundwater drainage connection permit.
- (2) Unpolluted water permit.
- (3) Garbage grinder permit.
- (4) Direct discharge permit.
- (5) Holding tank waste permit.

- (6) Determination and approval of use of metered wastewater volumes, and metered volume permit.
- (7) Determination and approval of use of estimated wastewater volumes, and estimated volume permit.
- (8) Mandatory wastewater discharge permit.
- (9) Optional wastewater discharge permit.
- (10) Review of proposals for protection against accidental discharges.
- (11) Inspection, monitoring and sampling.
- (12) Such other services expressly or reasonably required to be performed pursuant to this article and specified in the resolution establishing the fees herein authorized.

(Code 1961, § 22A.33; Ord. No. 566, § 1, 11-10-75; Ord. No. 715, § 5, 1-10-84)

Secs. 21-181–21-190. Reserved.

ARTICLE VI. STORM SEWER SYSTEM*

Sec. 21-191. Purpose.

It is the purpose and intent of this article to ensure that the city's storm sewer system is used only for drainage of rainwater, landscape and irrigation runoff, regulated discharges and other types of uncontaminated or unpolluted water runoff.

(Ord. No. 883, § 1(22-A-1), 6-14-94)

Sec. 21-192. Defined.

For the purposes of this article, the city's "storm sewer system" shall be deemed to include all catch basin, street gutters, valley drains, underground storm drains and all other types of storm drainage channels or facilities of any kind located within the City of Belmont.

(Ord. No. 883, § 1(22-A-2), 6-14-94)

Sec. 21-193. Unlawful deposits.

It shall be unlawful for any person, partnership, corporation or any other entity to allow any

***Editor's note**—Section 1 of Ord. No. 883, adopted June 14, 1994, provided for the addition of Ch. 22-A. For purposes of classification, said new chapter has been included herein as §§ 21-191–21-202, Art. VI of Ch. 21, at the editor's discretion. See history note following each section for specific derivation thereof.

waste matter, garbage, sewage, grass clippings, paper, metal, wood or plastic objects, oil or gasoline, flammable substances or any other substance deemed hazardous by federal or state law to be placed or deposited into the city's storm sewer system, or to allow any such substances to enter the city's storm sewer system from their property. (Ord. No. 883, § 1(22-A-3), 6-14-94)

Sec. 21-194. Stormwater charges established.

Pursuant to the provisions of Health and Safety Code section 5471 the city establishes a system of charges for its stormwater drainage system. For the purposes of such system of charges "assessment roll" means the roll upon which general taxes of the city are collected and "annual real property tax statement" means the annual tax statement issued by the County of San Mateo. (Ord. No. 883, § 1(22-A-4), 6-14-94)

Sec. 21-195. Schedule of charges.

The charges for services furnished by the city may be based upon the class of use or area of parcels as determined by resolution of the city council adopted by a four-fifths ($\frac{4}{5}$) vote. Charges shall be assessed on a yearly basis against parcels as set forth in the master fee schedule adopted by resolution of the city council. (Ord. No. 883, § 1(22-A-5), 6-14-94)

Sec. 21-196. Collection of charges.

All stormwater charges hereinabove provided for shall be collected on the official tax assessment roll, together with all regular municipal real property taxes. The charges shall constitute liens upon the particular lots or parcels of land affected and shall be effective at the same time and to the same extent as is provided for by law in the case of property taxes, with like penalties for delinquencies, all provided for by Health and Safety Code section 6473.5 et seq. (Ord. No. 883, § 1(22-A-6), 6-14-94)

Sec. 21-197. Special assessments.

The city may, upon a proper showing and upon the city council's making a determination in connection therewith, enter into a special written agreement with any industrial or commercial concern providing for the direct payment of stormwater charges to the city rather than for the charges to be collected on the tax rolls; provided, however, that in the event of a default, the city

shall be entitled to receive from the particular taxpayer the benefit of all applicable penalties for delinquencies and to avail itself of all applicable remedies for the enforcement of collection. (Ord. No. 883, § 1(22-A-7), 6-14-94)

Sec. 21-198. Finance director report; notice and hearing.

Annually, on or before the first day of July, it is the duty of the finance director to file with the city clerk a report containing a summary of the annual charges of real property, computed in conformity with the schedule of charges. Thereafter, the city council shall hold a public hearing with respect to the report, after the city clerk has given notice by publication, in accordance with Government Code section 6066. (Ord. No. 883, § 1(22-A-8), 6-14-94)

Sec. 21-199. Adoption of report.

On or before the tenth day of August of each year, following the final determination of the city council with respect to the annual report, the city clerk shall file with the county auditor a copy of the report with a statement endorsed thereon over the clerk's signature that it has been finally adopted by the city council. The county auditor shall then enter the amounts of the charges against the respective lots or parcels of land as they appear on the then current assessment roll based upon detailed data provided by the city. (Ord. No. 883, § 1(22-A-9), 6-14-94)

Sec. 21-200. Lien against the property.

In accordance with the Health and Safety Code section 5473.5 et seq., the amount of the charges shall constitute a lien against the lot or parcel of land against which the charges have been imposed. The amount shall be included on bills for taxes, including, but not limited to, those pertaining to delinquency, correction, cancellation, refund and redemption. (Ord. No. 883, § 1(22-A-10), 6-14-94)

Sec. 21-201. Additional charges.

The city may adopt fees to provide for the recovery of costs from users of the stormwater system. Such fees may include, but are not limited to, permits, monitoring, inspections and surveillance procedures, accidental discharge matters, appeals, reimbursement of costs incurred by city for removal of pollutants, and any other fees

the city deems necessary to carry out the requirements of this article. The applicable fees shall be as set forth in the city's master fee schedule.

(Ord. No. 883, § 1(22-A-11), 6-14-94)

Sec. 21-202. Penalty for violation.

(a) If stormwater charges are delinquent for a period of sixty (60) days, a penalty of ten (10) percent shall be imposed. If stormwater charges are delinquent for a period of one hundred twenty (120) days, an additional penalty of one and one-half (1½) percent per month shall be paid.

(b) Any person violating a provision of this article or failing to comply with a mandatory requirement of this article is guilty of an infraction and, upon conviction, shall be punished as set forth in chapter 36900 of the Government Code.

(Ord. No. 883, § 1(22-A-12), 6-14-94)